



THE CITY OF SAN DIEGO  
**MANAGER'S REPORT**

DATE ISSUED: July 30, 2003 REPORT NO. 03-168

ATTENTION: Committee on Land Use and Housing  
Agenda of August 6, 2003

SUBJECT: Land Development Code (LDC) Implementation Work Program

SUMMARY

Issues -

1. Should the Committee on Land Use and Housing prioritize the Land Development Code Implementation Work Program for the Fiscal Year 2004 as outlined in this report?
2. Should the Committee on Land Use and Housing direct staff to prepare official zoning maps for the City of San Diego consistent with the Land Development Code for City Council consideration and to automate those maps for public access?

Manager's Recommendation -

1. Direct staff to work on the issues determined to be high priority as outlined in this report.
2. Direct staff to prepare official zoning maps for the City of San Diego consistent with the Land Development Code and to automate those maps for public access.

Fiscal Impact - The LDC work program is funded as an overhead expense in the Development Services Department budget and is currently staffed with one full-time equivalent position. The Department will also begin the process to fill one additional approved budgeted position for the LDC work program as revenues from revised fees allow. If prioritized items go beyond the capacity of available staff, additional funding for

staff would need to be identified or the work schedule would be extended into the next fiscal year. The cost for preparation and processing of a zoning layer over time was included in the City Council approved fee increases that will go into effect August 4, 2003.

## **BACKGROUND**

On September 4, 2002 the Committee on Land Use and Housing (LU&H) set the Land Development Code (LDC) Implementation Work Program for Fiscal Year 2003. Staff was directed to work on items 1 through 11 as identified in City Managers Report No. 02-192, with the exception of replacing Item No. 8 (Parking Regulation Amendments for Multi-Dwelling Units) with Item No. 17 (Transit and Residential Tandem Overlay Zones). The table below identifies each of the issues and addresses their current status.

### **FY 2003 Work Program Issue Status**

<b>No.</b>	<b>Issue</b>	<b>Description</b>	<b>Status</b>
1.	Affordable/Infill Housing Code Amendments	Amend the LDC to implement the Affordable/Infill Housing Expedite Program.	Approved by City Council on May 20, 2003, submitted to Coastal Commission.
2.	Illegal Grading and Geotechnical Exploration Amendments	Code amendments to address grading in Community Plan Open Space and Geotechnical Exploration within Environmentally Sensitive Lands.	Scheduled for LU&H on 7/23/03; City Council in September.
3.	4 <sup>th</sup> LDC Update with 45 separate issues.	On-going updates as part of the code monitoring process.	Preparing for Docketing before City Council in September 2003.
4.	Reasonable Accommodations for Persons with Disabilities.	Request from California Attorney General and recent case law.	Part of the 4 <sup>th</sup> Update to LDC (See No. 3). Recent case law will require modification to proposal.
5.	SRO Hotel Amendments relating to noticing requirements for relocation and replacement.	Amendments to be consistent with the Ellis Act.	Was processed separately and appeared before City Council before being withdrawn.
6.	Residential Open Space Zones in Urbanized Communities	Amendments to address smaller urban lots adjacent to open space.	Part of the 4 <sup>th</sup> Update to the LDC (See No. 3).
7.	Companion Unit Regulations	Amendments to comply with state law.	Approved by City Council on June 30, 2003. Needs certification from Coastal Commission

8.	Transit Area and Residential Tandem Parking Overlay Zones	Rescinding amendments approved during the 2 <sup>nd</sup> Update to the LDC	Environmental document out for public review. Pending scheduling before Planning Commission. City Council docket in September followed by Coastal Commission consideration.
9.	Dissolution of the Board of Zoning Appeals (Appeals Would Be Heard by the Planning Commission)	Disband the BZA due to lack of items they consider and instead remand those few items to the Planning Commission.	Part of the 4 <sup>th</sup> Update to the LDC (See No. 3).
10.	Final Certification of Floodplain Regulations Amendments	Updated regulations to be consistent with FEMA	Certified by the California Coastal Commission on October 8, 2002.
11.	Finalize PDO Updates Phase I - reformatting of all 19 PDOs	Reformat existng PDOs to be consistent with the format and philosophy of the LDC	Staff has continued to work on this issue, however no hearing date has been determined.

Items Nos. 5 and 10 are completely finalized, Issue Nos. 1 and 7 need certification by the California Coastal Commission. The 4<sup>th</sup> Update to the LDC was delayed due to staffing losses and Department budget constraints and will require Council and California Coastal Commission hearings to complete (Items Nos. 3, 4, 6 and 9). Other items on this list that were not completely finalized within FY 2003 are being continued into the current work program proposal.

In addition to completely finalizing 3 of the 11 issues, and as directed by LU&H separately, staff has also completed work on an emergency ordinance to prohibit the location of new chrome plating businesses within the Barrio Logan Planned District. This item has also been submitted to the California Coastal Commission for certification.

## DISCUSSION

During Fiscal Year 2003, the LDC Implementation Program was initially staffed with two Senior Planners with 50% of each position assigned to the program. This program is supported with funds from the Development Services Department's overhead. Budget constraints forced the department to freeze new hiring and replacement of many positions during FY 2003 and this delayed the work program. Additionally, a staff transfer left the program with one Senior Planner working part time on the LDC Implementation Work Program.

On May 20, 2003 the City Council approved a new fee proposal and the FY 2004 budget for the Development Services Department. Included in that approval are fees sufficient to support an additional Senior Planner for this program once the fees are in place.

As the Committee requested, staff compiled the following list of issues currently assigned to the LDC Team. The listed issues originated from various sources. Many were identified by staff and

the public during implementation of the code, some are the result of legal mandates, while others came directly from City Council or Committee requests. Staff attempted to prioritize the list based on 3 criteria. The first criterion is if the issue is a result of a legal mandate and the City is required to comply by law. The second criterion is if substantial progress on the issue has already been made and the issue is close to completion. The third criterion is if the issue is a request from the Mayor, City Council or Council Committee. Acknowledging that many of the issues are important and should be prioritized, any issue that did not meet any of the three criteria was given a no priority standing. Assuming that an additional Senior Planner will be added to the program by December 2003, staff anticipates that issues 1 through 15, on the table below, could be addressed in Fiscal Year 2004.

No.	Issue	Description	Referred By:	Immediate Priority	Status
1.	Affordable/In-fill and Sustainable Housing Code Amendments	Amend the LDC to implement the Affordable / In-fill Housing Expedite Program.	LU&H	Yes	Approved by Council on May 20, 2003 needs to be certified by Coastal Commission
2.	Illegal Grading and Geologic Exploration Amendments	Code amendments to address grading and geologic exploration in environmentally sensitive areas	LU&H and NR&C via CPC	Yes	Heard by LU&H on July 23, 2003. Changes to proposals recommended. Some will be docketed for Council consideration after changes are made, others referred back to LU&H for additional revisions.
3.	4 <sup>th</sup> LDC Update with 45 separate issues including policy issues 4 through 6 below:	On-going updates as part of the code monitoring process.	City Council	Yes	Needs Council hearing and Coastal Commission certification
4.	Reasonable Accommodations for Persons with Disabilities	Request from Attorney General of California	Legal Mandate	Yes	“
5.	Residential Open Space Zones in Urbanized Communities	Amendments to address smaller urban lots adjacent to open space	Planning and DSD Staff	Yes	“
6.	Dissolution of the Board of Zoning Appeals	Disband the BZA due to lack of items they consider	DSD Staff	Yes	“

No.	Issue	Description	Referred By:	Immediate Priority	Status
7.	Transit Area and Residential Tandem Parking Overlay Zones	Rescinding Amendments from the 2 <sup>nd</sup> Update to the LDC	LU&H via CPC	Yes	Environmental document out for public review. Pending scheduling before Planning Commission. Planning City Council docketing in early September followed by Coastal Commission consideration.
8.	Barrio Logan PDO Amendments	Amendments to address land use compatibility with industrial users (chrome plating)	LU&H	Yes	Has been submitted to Coastal Commission for certification
9.	Substantial Conformance Procedural Amendments	Address concerns relating to standards/criteria for changes to approved projects	LU&H	Yes	Currently in process
10.	Mixed Use Ordinance Amendments	Work with Mixed Use Advisory group (MUAG) to develop proposals to reduce conflicts (noise and other issues) in mixed use areas	LU&H	Yes	New Item
11.	Appeals of Environmental Documents	Amendments to address legislation permitting the appeals of Environmental Documents	Staff	Yes	New Item
12.	Recycled Water	Amendments to address the utilization of Recycled Water	City Council	Yes	New Item
13.	Construction Waste Recycling	Amendments to the LDC to address recycling of construction waste	Env. Services Dept.	Yes	New Item
14.	5th LDC Update Issues	To include amendments to Height Calculations, Lighting Types, Recycling Facilities and other miscellaneous items	City Staff and CMT	Yes	None.
15.	Mini Dorms	Amendments to address the use of Single Dwelling Units as “mini dorms”	City Council	Yes	New Item
16.	Finalize PDO Update Phase I - the reformatting of all 19 PDOs	Reformat existing PDOs to be consistent with the format and philosophy of the LDC	LU&H	No	Needs Council hearing and Coastal Commission certification

No.	Issue	Description	Referred By:	Immediate Priority	Status
17.	Tree Ordinance	Amendments to identify protection of street trees	Mayor	No	None.
18.	Mid-City PDO Update (North Park and Uptown Communities)	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No	None.
19.	San Ysidro PDO Update	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No	None.
20.	La Jolla/La Jolla Shores PDO Update	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No	None.
21.	Landscape Regulation Amendments	Amendments to Landscape/Brush Management, and water conservation regulations.	Fire Chief City Council	No	None.
22.	CUP Time Limits	Establish certain time limits for Conditional Use Permits	LU&H	No	None.
23.	Mission Beach PDO Amendments	Specific amendments to address Coastal Development Permit jurisdiction	Council District 2	No	None.
24.	Automobile Lifts	Amend code to allow automobile lifts in garages to help accommodate off-street parking	Industry Group	No	None.
25.	Landscaping Requirements for Auto Sales Lots	Consider allowing flexibility in the location of required trees on auto sales lots.	Manager's Office via Industry Group	No	None.
26.	Categorical Exclusion Request to California Coastal Commission	Direct staff to pursue the application submitted to Coastal Commission in 1997 to exempt single family projects from the Coastal Development Permit processes.	City Council	No	None.
27.	Coordinate with Coastal Commission on jurisdictional boundary maps	Update city maps delineating city and coastal commission permit boundaries	Coastal Commission	No	None.
28.	Review LDC Floodplain Regulations with the Mission Valley Community Plan	Ensure consistency between the policies in the Community Plan and the regulations in the LDC	DSD Staff and Council District 7	No	New Item.

No.	Issue	Description	Referred By:	Immediate Priority	Status
29.	Review Procedures for Appeals	Review the criteria for who can appeal projects	DSD Staff	No	None.
30.	Reviewing Council Policies for consistency with the LDC	Review Council Policies to ensure consistency with LDC	City Council	No	New Item
31.	Amendments to the Southeastern San Diego PDO	Amendments to the SESD PDO to consider amending land use designations and densities	C&ED	No.	New Item

Staff capacity on the Code update is limited and some code changes noted above are being prepared and processed to City Council by other City Departments. In addition, there are an increasing number of pending referrals from City Council in addition to requests from communities for code changes. Combined with budget constraints and staffing limitations, only the limited number of code changes noted above can be accommodated in this year's program.

An alternative to address this issue could be for City Council to consider a development fee proposal that provides for staffing to support Land Development Code amendments. Code changes that support process improvements, regulatory simplifications, regulation clarifications and other changes that make the development review process more predictable and less costly for development review customers would directly benefit permit customers. Staff believes that three staff members in addition to the current two would be able to address three PDO amendments in addition to a number of both the short term and long term code changes in any fiscal year. Fees that supported this staffing level would add approximately \$65 to any submitted construction or development permit project. By creating an ongoing revenue source such as this, the Department could maintain a more extensive staff team to update the LDC and reduce the backlog of other City Council referrals.

### Official Zoning Map

Current zoning for the City of San Diego is not available in either digital or in a mapped format. The mapped information was last consistently maintained in the early 1980's, and since that time has required manual research by property owners and staff to verify the current zoning of any specific property. This process is time intensive and can result in errors and delay the development review process.

To improve this service, staff in the Development Services Department has over the past few years conducted extensive research on zoning actions citywide and has created a zoning action index to aide in zoning research. This index identifies all rezonings that have occurred for each lot in the City and provides a starting point for customers and staff to research the current zoning.

As part of the Development Services Department fee proposal, an additional fee was added to allow the Department over the next five years to complete research on the most current rezonings throughout the City and to begin to automate the zoning layer for access by the public.

An alternative to this longer term approach to produce an official zoning map would be for staff to use the most current rezoning action from the index developed by the department and publish this for approval by City Council as the official zoning map of the City of San Diego as provided by Land Development Code Section 131.0103. This map would then reflect the City's most current information on existing zoning throughout the City. In conjunction with this action, staff would also develop a process where a property owner that disputed the current zoning as reflected on this official zoning map could make application and provide documentation to support their contention. If documentation supported their position, then staff would revise the official zoning map accordingly. If the property owner disagreed with the staff's conclusion, then they could process a rezoning request in accordance with the LDC (Process 5 Decision, recommendation by Planning Commission with final Action by City Council).

The benefit of this alternative to create an official zoning map is the reduction in time to produce an official map and the reduction in time to automate it for access by the public. It would also eliminate wasting customer and staff time doing extensive research on a property by property basis. In addition, it would establish a starting point for zoning Citywide so that staff could then focus on maintaining the information to reflect all subsequent zoning actions.

## CONCLUSION

Based on the assumed staffing levels and the amount of time required to address code related referral issues, Development Services recommends prioritizing issues 1 through 15 as listed in the table above. Staff recommends that LU&H direct staff to prepare the official zoning map as described in this report and bring it forward to City Council for adoption.

## ALTERNATIVES

1. Modify the Manager's recommendation by prioritizing other issues listed in the table above.
2. Direct staff to proceed with alternative funding proposals to address the LDC work program capacity issues.

Respectfully submitted,



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Approved by: P. Lamont Ewell  
Assistant City Manager

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